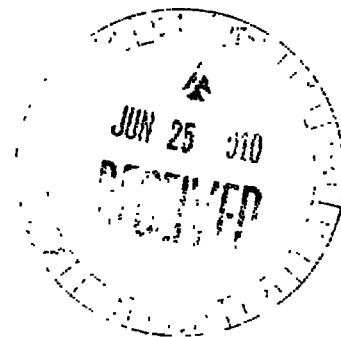




Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191



**Daniel G. Kruger**  
**Attorney**

Direct Dial Number  
(757) 533-4939  
fax (757) 629-2607  
email: [Daniel.Kruger@nscorp.com](mailto:Daniel.Kruger@nscorp.com)

June 24, 2010

**via UPS Next Day Air**

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20024

**FEE RECEIVED**

JUN 25 2010

**TRANSPORTATION BOARD**

Re: STB Docket No. AB-290 (Sub-No. 319X) **227346**  
Central of Georgia Railroad Company - Discontinuance of Service;  
STB Docket No. AB-1060X **227347**  
Great Walton Railroad Company - Discontinuance of Operating Rights;  
Newton County, Georgia - Notice of Exemption

Dear Ms. Brown:

Enclosed for filing with the Board in the subject docket are an original and ten copies of Central of Georgia Railroad Company's and Great Walton Railroad Company's Verified Notice of Exemption. Also enclosed are checks totaling \$7,400 for the filing fees.

ENTERED  
Office of Proceedings

JUN 25 2010

Part of  
Public Record

Yours very truly,

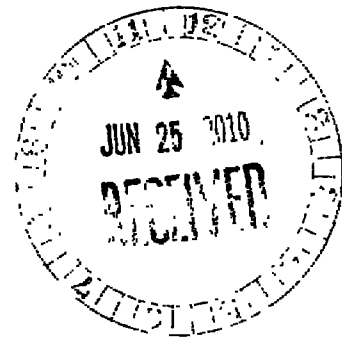
Daniel G. Kruger

**FILED**

JUN 25 2010

**SURFACE  
TRANSPORTATION BOARD**

Enclosures



BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. AB-290 (SUB-NO. 319X)

CENTRAL OF GEORGIA RAILROAD COMPANY

-- DISCONTINUANCE OF SERVICE EXEMPTION --

NEWTON COUNTY, GEORGIA

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DOCKET NO. AB-1060X

GREAT WALTON RAILROAD COMPANY

-- DISCONTINUANCE OF OPERATING RIGHTS EXEMPTION --

NEWTON COUNTY, GEORGIA

---

VERIFIED NOTICE OF EXEMPTION

---

Daniel G. Kruger, Attorney  
Norfolk Southern Railway Company  
Three Commercial Place  
Norfolk, VA 23510  
(757) 533-4939  
**Attorney for**  
**Central of Georgia Railroad Company**

Richard H. Streeter, Attorney  
Barnes & Thornburg, LLP  
750 17<sup>th</sup> Street, N.W., Suite 900  
Washington, DC 20006  
(202) 408-6933  
**Attorney for**  
**Great Walton Railroad Company**

Dated: June 24, 2010

**Before the  
Surface Transportation Board**

---

**Docket No. AB-290 (Sub-No. 319X)  
Central of Georgia Railroad Company  
-- Discontinuance of Service Exemption --  
Newton County, Georgia**

---

**Docket No. AB-1060X  
Great Walton Railroad Company  
-- Discontinuance of Operating Rights Exemption --  
Newton County, Georgia**

---

**Verified Notice of Exemption**

---

COMES NOW Central of Georgia Railroad Company (CGA), a wholly-owned subsidiary of Norfolk Southern Railway Company (NSR), and Great Walton Railroad Company (GRWR), collectively "railroads," and file this joint notice of exemption from regulation under 49 U.S.C. §10903, pursuant to the provisions of 49 U.S.C. §10502 and 49 CFR §1152.50, for CGA's discontinuance of service over and GRWR's discontinuance of operating rights under a lease over a 14.90-mile line of railroad lying between Milepost E 65.80 at Newton, Georgia and the end of the line at Milepost E 80.70 at Covington, Georgia, in Newton County, Georgia (the "Line").

Pursuant to the Board's regulations codified at 49 CFR §1152.50, CGA and GRWR state as follows:

**Traffic Certification - §§1152.50(b) and (d)(2)**

As the attached certificates of CGA General Manager R. A. Bartle and GRWR General Manager Dave Bishop confirm, no traffic has originated or terminated on this Line for at least two years, all overhead traffic has been rerouted over other lines, and no complaint is pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this Line within the two-year period prior to the filing date of this Notice of Exemption.

**Consummation Date - §1152.50(d)(2)**

The effective date of CGA's discontinuance of service over and GRWR's discontinuance of operating rights under a lease over a 14.90-mile line of railroad lying between Milepost E 65.80 at Newton, Georgia and the end of the line at Milepost E 80.70 at Covington, Georgia , in Newton County, Georgia, will be August 14, 2010.

**General Corporate Information - §1152.22(a)(1-2) and (7)**

The full names of the parties filing this Notice of Exemption are Central of Georgia Railroad Company, a wholly-owned subsidiary of Norfolk Southern Railway Company, and Great Walton Railroad Company. CGA is a common carrier by railroad subject to STB jurisdiction under Title 49 of the United States Code, Subtitle IV, Chapter 105. GRWR is a Class III carrier under 49 CFR Part 1201 1-1(d).

CGA's representative to whom correspondence with respect to this Notice of

Exemption may be sent is:

Daniel G. Kruger, Attorney  
Norfolk Southern Railway Company  
Three Commercial Place  
Norfolk, Virginia 23510  
(757) 533-4939

GRWR's representative to whom correspondence with respect to this Notice of

Exemption may be sent is:

Richard H. Streeter, Attorney  
Barnes & Thornburg, LLP  
750 17<sup>th</sup> Street, N.W., Suite 900  
Washington, DC 20006  
(202) 408-6933

**Description of the Line and the Relief Sought - §1152.22(a)(3-4 and 7)**

The relief sought is an exemption for CGA's discontinuance of service over and GRWR's discontinuance of operating rights under a lease over a 14.90-mile line of railroad lying between Milepost E 65.80 at Newton, Georgia and the end of the line at Milepost E 80.70 at Covington, Georgia, in Newton County, Georgia.<sup>1</sup> A map showing the Line, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The Line traverses United States Postal Service ZIP Codes 30014, 30055 and 30056.

---

<sup>1</sup> CGA obtained from the Board a Lease and Operation Exemption in *Squaw Creek Southern Railroad, Inc.—Lease and Operation Exemption—Central of Georgia Railroad Company*, STB Finance Docket No. 35294 (STB served September 17, 2009) which effectively served to substitute Squaw Creek Southern Railroad, Inc. (SQS) for Great Walton Railroad Company (GRWR) over the contiguous line to the immediate south and east of the Line—that is, from milepost E-65.8 at Newborn, Georgia to

### **Suitability of the Line for Other Public Purposes - §1152.22(e)(4)**

Because this is a discontinuance of service and discontinuance of operating rights under a lease proceeding and not an abandonment proceeding, there is no need to provide an opportunity for trail use/rail banking or public use condition requests.<sup>2</sup>

Thus, this item is not relevant to the exemption sought in this docket.

### **Statement Concerning Federally-Granted Right-of-Way - §1152.50(d)(1)**

Based on information in the possession of CGA and GRWR, the Line does not contain federally-granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

### **Labor Protection - §1152.50(d)(2)**

Since the Line has been out of service for over two years, the railroads believe no employees will be adversely affected by the discontinuance of service and discontinuance of operating rights over this Line. However, as a condition to granting the exemption and exercise of the discontinuance permitted in this matter, the railroads will accept the imposition of standard labor protective conditions as set forth in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

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milepost E-53.3 at Machen, Georgia.

<sup>2</sup>Recent Board notices of exemption stating this principle are *Columbus and Greenville Railway Company - Discontinuance of Service Exemption - In Greenwood, MS*, STB Docket No. AB-297 (Sub-No. 103X) (STB served July 3, 2007) and *Norfolk Southern Railway Company - Discontinuance Exemption - in Mahoning County, OH*, STB Docket No. AB-290 (Sub-No. 292X) (STB served March 15, 2007). See also STB Docket No. AB-999X, *Caldwell County Railroad Company - Discontinuance Of Service*

**Environmental and Historic Reports; Certifications - §1105.6, §1105.7, §1105.8, §1105.9 and §1105.11**

Because this is a discontinuance of service and discontinuance of operating rights proceeding and not an abandonment proceeding, no environmental or historic documentation is required under 49 CFR 1105.6(c)(2) and 49 CFR 1105.8(b) and no transmittal letter is required under 49 CFR 1105.11.<sup>3</sup> Further STB approval is required for abandonment of the Line.

**Service and Newspaper Notice Requirements Certification - §1152.50(d)(1-2)**

As the attached certification indicates, CGA certifies that the service and notice requirements of §1152.50(d)(1)(certain governmental agencies) and §1105.12 (newspaper notice) have been complied with.

**Offers of Financial Assistance**

Because this is a discontinuance of service and discontinuance of operating rights proceeding and not an abandonment proceeding, the Board need not consider

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*Exemption - In Caldwell County, NC (STB served July 9, 2007) (petition).*

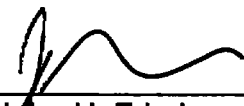
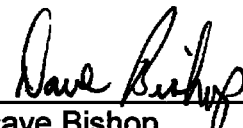
<sup>3</sup>Recent Board notices of exemption stating this principle are *Columbus and Greenville Railway Company - Discontinuance of Service Exemption - In Greenwood, MS*, STB Docket No. AB-297 (Sub-No. 103X) (STB served July 3, 2007); *Norfolk Southern Railway Company - Discontinuance Exemption - in Mahoning County, OH*, STB Docket No. AB-290 (Sub-No. 292X) (STB served March 15, 2007); and *Union Pacific Railroad Company - Discontinuance of Service Exemption - in Yuba County, CA*, STB Docket No. AB-33 (Sub-No. 238X) (STB served December 8, 2006).

offers of financial assistance (OFAs) to acquire the Line for continued rail service.<sup>4</sup> The OFA provisions for a subsidy to provide continued rail service do apply to discontinuances, but since there has been no rail service over this Line for more than two years, there is no current rail service that can be subsidized.

### **Conclusion**

For the foregoing reasons, CGA and GRWR state that the proposed discontinuance of service and discontinuance of operating rights under a lease over the subject rail Line is exempt from the prior approval requirements of 49 U.S.C. §10903 pursuant to the class exemption set forth in 49 C.F.R. §1152.50 and request that the Board serve the appropriate notice of exemption.

Respectfully submitted,

  
\_\_\_\_\_  
John H. Friedmann  
Vice President  
Central of Georgia Railroad Company  
\_\_\_\_\_  
Dave Bishop  
General Manager  
Great Walton Railroad Company

---

<sup>4</sup>See *Caldwell County Railroad Company - Discontinuance Of Service Exemption - In Caldwell County, NC*, STB Docket No. AB-999X (STB served July 9, 2007); *Norfolk Southern Railway Company - Discontinuance Exemption - in Mahoning County, OH*, STB Docket No. AB-290 (Sub-No. 292X) (STB served March 15, 2007; and *CSX Transportation Inc. - Discontinuance Exemption in Knox County, TN*, STB Docket No. AB-55 (Sub-No. 641X) (STB served January 2, 2004).



Of Counsel:

Daniel G. Kruger, Attorney  
Norfolk Southern Railway Company  
Three Commercial Place  
Norfolk, Virginia 23510-2191  
(757) 533-4939  
**Attorney for Central of Georgia Railroad Company**

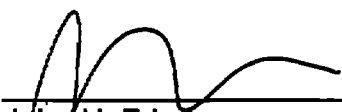
Richard H. Streeter, Attorney  
Barnes & Thornburg, LLP  
750 17<sup>th</sup> Street, N.W., Suite 900  
Washington, DC 20006  
(202) 408-6933  
**Attorney for Great Walton Railroad Company**

Dated: June 24, 2010


VERIFICATION

COMMONWEALTH OF VIRGINIA :  
SS:  
CITY OF NORFOLK :

John H. Friedmann, being duly sworn, deposes and says that he is Vice President of Central of Georgia Railroad Company, a wholly-owned subsidiary of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in STB Docket No. AB-290 (Sub-No. 319X) on behalf of Central of Georgia Railroad Company, a wholly-owned subsidiary of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.

  
\_\_\_\_\_  
John H. Friedmann  
Vice President  
Central of Georgia Railroad Company

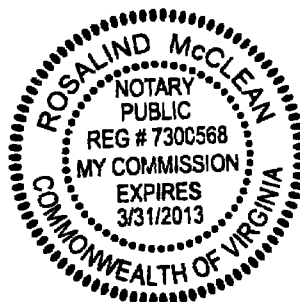
Subscribed and sworn to before me  
this 18 day of June, 2010.

  
\_\_\_\_\_  
Notary Public

My commission expires:

3/31/2013

[SEAL]



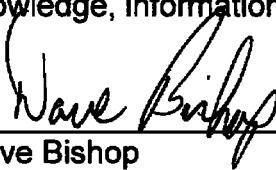
VERIFICATION

STATE OF GEORGIA

CITY/COUNTY OF WALTON

SS:

Dave Bishop, being duly sworn, deposes and says that he is General Manager of Great Walton Railroad Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in STB Docket No. AB-1060X on behalf of Great Walton Railroad Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.



Dave Bishop  
General Manager  
Great Walton Railroad Company

Subscribed and sworn to before me  
this 19<sup>th</sup> day of May, 2010.

  
Notary Public

My commission expires:

April 12, 2012

[SEAL]

## CERTIFICATION

I hereby certify that (1) pursuant to 49 C.F.R. §1105.12, a notice of intent to discontinue rail service and operating rights was published in *The Covington News*, Covington, Georgia, on June 2, 2010, (see Exhibit 2); and (2) that the notice required by 49 C.F.R. §152.50(d)(1) was given (see Exhibit 3).



---

Daniel G. Kruger

Dated: June 24, 2010

**CERTIFICATION**

STATE OF GEORGIA:

SS:

CITY OF ATLANTA:

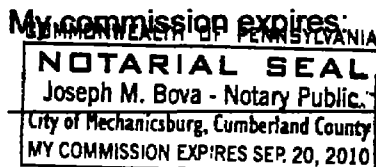
R. A. Bartle makes oath and says that he is General Manager Western Region for Central of Georgia Railroad Company, a wholly-owned subsidiary of Norfolk Southern Railway Company; that the line between milepost E 65.80 and milepost E 80.70 in Newton County, Georgia, over which service is to be discontinued, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years; that overhead traffic has been rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

  
\_\_\_\_\_  
R. A. Bartle

Subscribed and sworn to before me  
this 6<sup>th</sup> day of April, 2010.

  
\_\_\_\_\_  
Notary Public

My commission expires:




**CERTIFICATION**

STATE OF GEORGIA :

SS:

~~CITY~~COUNTY OF WALTON :

Dave Bishop makes oath and says that he is General Manager, Great Walton Railroad Company; that the line between milepost E 65.80 and milepost E 80.70 in Newton County, Georgia, over which operating rights are to be discontinued, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years; that overhead traffic has been rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

  
\_\_\_\_\_  
Dave Bishop

Subscribed and sworn to before me  
this 19<sup>th</sup> day of May, 2010.

  
\_\_\_\_\_  
Notary Public

My commission expires:

April 12, 2012

## **CERTIFICATE OF SERVICE**

**I hereby certify that a copy of the foregoing Notice of Exemption was served by first-class mail postage pre-paid, on the following parties, on June 24, 2010:**

**Chairman  
Georgia Public Service Commission  
244 Washington Street, S.W.  
Atlanta, GA 30334-9052**

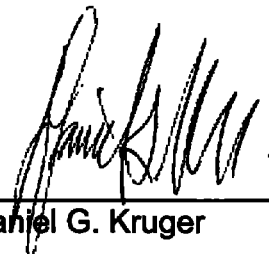
**Commissioner  
Georgia Department of Transportation  
One Georgia Center, 22<sup>nd</sup> Floor  
600 West Peachtree Street NW  
Atlanta, GA 30308**

**U. S. Department of Agriculture  
Chief of the Forest Service  
Sidney R. Yates Federal Building  
1400 Independence Avenue, S.W.  
Washington, DC 20250-0003**

**Regional Director - National Park Service  
Southeast Region  
100 Alabama Street, SW  
Atlanta, GA 30303**

**Chris Lehnertz, Acting Associate Director  
U.S. Dept. of Interior - National Park Service  
Cultural Resources, Room 3126  
1849 C Street, NW  
Washington, DC 20240**

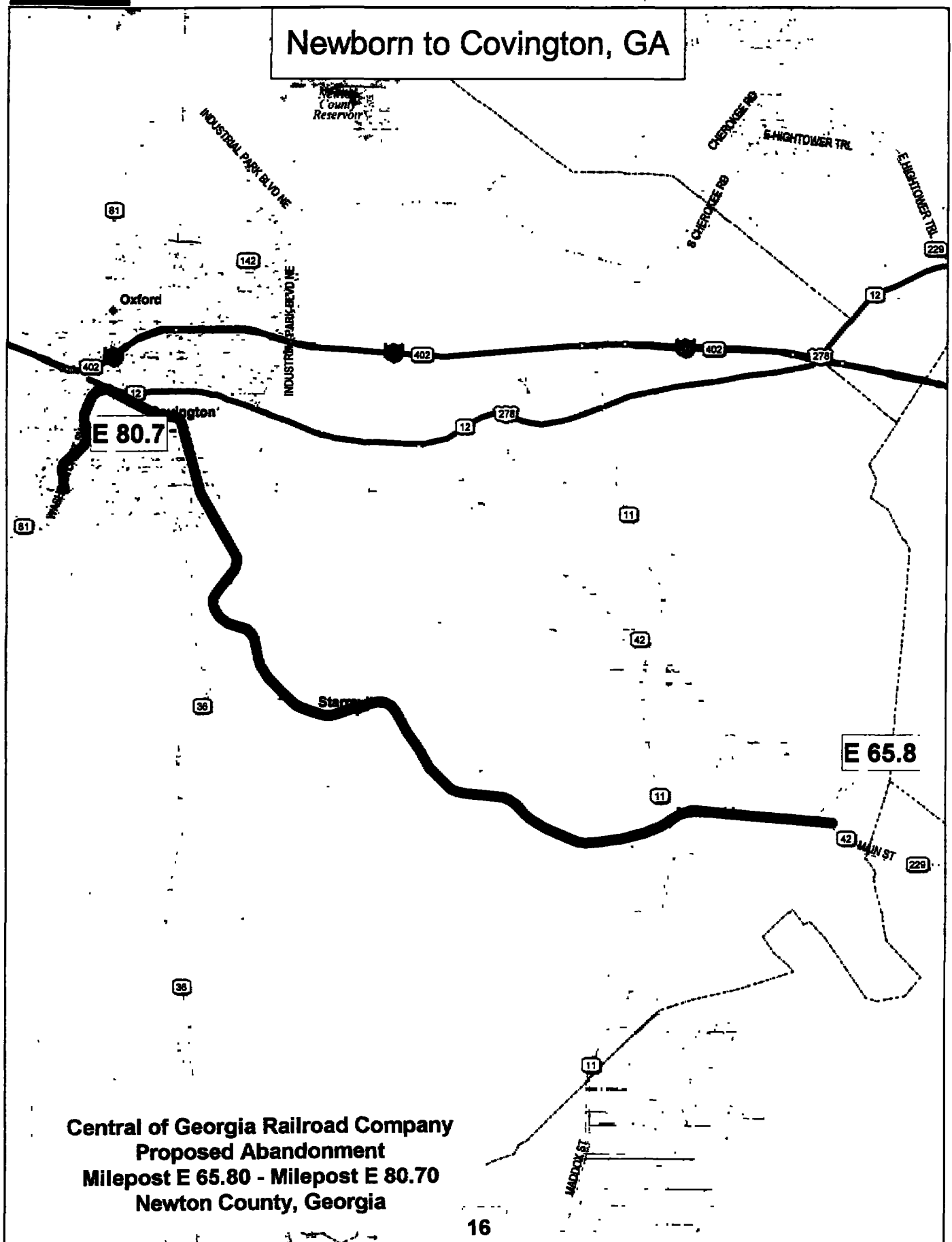
**United States Dept. of Defense – SDDCTEA  
Railroads for the National Defense Program  
709 Ward Drive, Bldg. 1900, Room 2E264  
Scott AFB, IL 62225**



---

**Daniel G. Kruger**

# Newborn to Covington, GA



**Central of Georgia Railroad Company  
Proposed Abandonment  
Milepost E 65.80 - Milepost E 80.70  
Newton County, Georgia**

16



# The Covington News

## AFFIDAVIT OF PUBLICATION

STATE OF GEORGIA  
NEWTON COUNTY

*Personally appeared before the undersigned officer:*

***Jennifer T. Long***

*Who says under oath that he is the Editor of The Covington News, a newspaper having a general circulation and whose principal office is in said Newton County, and that the legal advertisement: Re: NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE AND TO DISCONTINUE OPERATING RIGHTS; Run Dates: 6/2, 2010.*

*Sworn to and subscribed before me the 17th day of June 2010.*

*Tonya Brownlee*  
Notary Public

*My Commission Expires: October 4, 2011*

(Notary Seal)



*Strategic Planning Department Norfolk Southern Corporation*

## Public Notices

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gpn14

### **NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE AND TO DISCONTINUE OPERATING RIGHTS**

Central of Georgia Railway Company (CGA), a wholly owned subsidiary of Norfolk Southern Railway Company (NSR), and Great Walton Railroad Company (GRWR), give notice that on or about June 25, 2010, they intend to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, permitting the discontinuance of service and discontinuance of operating rights over a 14.90-mile line of railroad between milepost E 65.80 and milepost E 80.70, which traverses through United States Postal Service ZIP Codes 30014, 30055 and 30056 in Newton County, Georgia. The proceeding will be docketed as No. AB-290 (Sub-No. 319X) as to CGA and No. AB-1060X as to GRWR.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/ trails use also can be filed with the STB. However, because this is a discontinuance of service and discontinuance of operating rights proceeding and not an abandonment proceeding, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historic documentation is required under 49 CFR 1105.6(c) and 1105.8. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of Proceedings, 395 E Street, S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representatives [See 49 CFR 1104.12(a)]. Persons seeking further information concerning discontinuance procedures, offers of financial assistance, public use or trails use may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238 or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Copies of any comments or requests for conditions should be served on the applicants' representatives:

Daniel G. Kruger,  
Attorney,  
Norfolk Southern Corporation,  
Three Commercial Place, Norfolk, VA 23510-9241, (757) 533-4939; and  
Richard H. Streeter, Barnes & Thornburg, LLP, 750 17th Street, N.W., Suite 900,  
Washington, DC 20006, (202) 408-6933,  
Attorney for Great Walton Railroad Company.  
**Public Notice # 33716**

6/2

[Return to index](#)



Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

**Daniel G. Kruger**  
**Attorney**

(757) 533-4939

June 10, 2010

Chairman  
Georgia Public Service Commission  
244 Washington Street, S.W.  
Atlanta, GA 30334-9052

Regional Director - National Park Service  
Southeast Region  
100 Alabama Street, SW  
Atlanta, GA 30303

Commissioner  
Georgia Department of Transportation  
One Georgia Center, 22<sup>nd</sup> Floor  
600 West Peachtree Street NW  
Atlanta, GA 30308

Chris Lehnertz, Acting Associate Director  
U.S. Dept. of Interior - National Park Service  
Cultural Resources, Room 3126  
1849 C Street, NW  
Washington, DC 20240

U. S. Department of Agriculture  
Chief of the Forest Service  
Sidney R. Yates Federal Building  
1400 Independence Avenue, S.W.  
Washington, DC 20250-0003

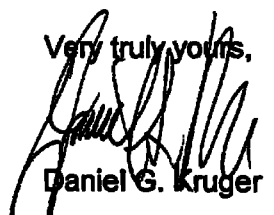
United States Dept. of Defense – SDDCTEA  
Railroads for the National Defense Program  
709 Ward Drive, Bldg. 1900, Room 2E264  
Scott AFB, IL 62225

Re: STB Docket No. AB-290 (Sub-No. 319X) - Central of Georgia Railroad Company - Discontinuance of Service; and, STB Docket No. AB-1060X Great Walton Railroad Company – Discontinuance of Operating Rights; Newton County, Georgia

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Central of Georgia Railroad (CGA), a wholly owned subsidiary of Norfolk Southern Railway Company (NSR) and Great Walton Railroad Company (GRWR) hereby give notice that on or about June 25, 2010, they will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit CGA's discontinuance of service and GRWR's discontinuance of operating rights under a lease over a 14.90-mile line of railroad lying between Milepost E 65.80 at Newton, and the end of the line at Milepost E 80.70 at Covington, in Newton County, Georgia (see attached map). No revenue traffic has originated or terminated on the line for more than two years. Overhead traffic on the line has been rerouted. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

Very truly yours,



Daniel G. Kruger

DGK:kch  
Enclosure